

## **REMARKS**

Applicant respectfully traverses and requests reconsideration.

Applicant's attorney wishes to thank the Examiner for the courtesies in faxing relevant portions of the U.S. Provisional Application.

Claims 12-14 and 16-19 are objected to due to informalities. These informalities have been corrected.

Claims 1-6, 8, 10-13, 15-18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Provisional Application No. 60/213,562 in view of U.S. Patent No. 5,479,476 (Finke-Anlauff, hereinafter "Finke").

Claims 1, 11 and 15 have been amended to include limitations from claims 9, 14 and 19, respectively. As such, Applicant will address the Examiner's rejection of claims 9, 14 and 19 as the references do not teach or suggest, among other things, this subject matter.

For example, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rudder in view of Finke as applied to claim 1 and further in view Miyazawa et al. (5,983,186). In particular, the office action cited column 5, lines 8-49 and column 12, line 62 to column 13, line 23 of Miyazawa as allegedly teaching, among other things, detecting an ambient condition level associated with a multimodal communication apparatus, comparing the ambient condition level to the ambient condition threshold data and selecting a multimodal input and output setting for the multimodal communication apparatus based on the comparison. However, Miyazawa is directed to a voice activated interactive speech recognition device and method that only appears to change the level of output volume of a speaker during a single operating mode of a voice activated interactive speech recognition device. It appears that the Miyazawa reference, at best, adjusts an output volume of a device when ambient noise is beyond a desirable level. In contrast, Applicant claims, among other things, a multimodal communication method that

utilizes a multimodal profile and selecting a multimodal input and output setting from the profile based on a comparison of a detected ambient condition level and the ambient condition threshold data. Miyazawa does not select multimodal input and output settings of a multimodal communication apparatus as alleged in the office action. As such, the claim is in condition for allowance.

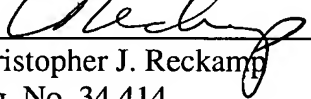
Applicant also respectfully reasserts the above relevant remarks with respect to independent claims 11 and 15. Accordingly, these claims are also believed to be in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter and are also allowable at least as depending upon allowable base claims.

Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

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Respectfully submitted,

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